

Remarks

Claims 11 through 20 were presented for examination in the present application, and are presented for consideration upon entry of the instant amendment, which is respectfully requested.

Claim 11 stands rejected as informal.

The Office Action asserts that on line 17 of claim 11 submitted in the October 2, 2009 Amendment, “or” should be --and--. Claim 11 is amended to replace “or” with --and--, as recommended by the Examiner.

The Office Action further contends that on line 17 of claim 11 submitted in the October 2, 2009 Amendment, “a TRILOK converter” should be --a TRILOK™ converter--. Applicant respectfully submits that TRILOK is not a trademark. Rather, to our knowledge, it is a term which has been used for at least 30 years or more. TRILOK describes a type of hydrodynamic converter that comprises a pump wheel, a turbine wheel and a guide vane wheel that are arranged in a symmetrical way such that the guide vanes are radially innermost between pump wheel and turbine wheel. Therefore, Applicant respectfully submits that TRILOK is properly set forth in claim 11.

Reconsideration and withdrawal of the objections to claim 11 are respectfully requested.

Claims 11-20 stand rejected under 35 U.S.C. 112, second paragraph, as indefinite. The Office Action asserts that it is unclear which specific model year of the TRILOCK™ converter that the claimed limitations are referring to. As discussed above, TRILOK is not a trademark, and Applicant respectfully submits that TRILOK is properly set forth in claim 11, and, therefore, is definite. Claims

12-20 depend from claim 11, and, thus, are also definite. Reconsideration and withdrawal of the rejection to claims 11-20 are respectfully requested.

Claims 11-16 and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over PCT Patent Application Publication No. WO 03/076829 A1 (“WO ‘829”) in view of European Patent Application No. 0 635 639 A1 (“EU ‘639”). Claims 17-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over WO ‘829 in view of EU ‘639 and further in view of U.S. Patent No. 3,078,739 (“Weinrich”).

The WO ‘829 publication was published on September 18, 2003. The present application was filed on September 28, 2005, claiming priority under 35 U.S.C. §119 to German Patent Application No. DE 103 14 757.8 filed on March 31, 2003. Thus, the present application has an effective filing date of March 31, 2003, which is before the publication date of the WO ‘829 publication. Accordingly, the WO ‘829 publication does not qualify as prior art as to the present application.

The Office Action states Applicant cannot rely upon the foreign priority papers to overcome the above rejections because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. A translation of German Patent Application No. DE 103 14 757.8 in which this application claims priority is filed herewith together with a statement that the translation of the certified copy is accurate in compliance with 37 CFR 1.55.

The Office Action fails to assert that any of the remaining references disclose or suggest claims 11-20 in the absence of the teachings of the WO ‘829 publication. Accordingly, Applicant respectfully requests that the rejections to claims 11-20 be reconsidered and withdrawn.

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Such action is solicited. In the alternative, it is believed that the instant amendment places the present application in better condition for appeal. Accordingly, entry and consideration of this amendment are respectfully requested. If for any reason the Examiner feels that consultation with Applicants' attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,



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